

REMARKS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-8, 14, 15, 21, 28 and 29, drawn to a method for connecting a plastic pipe to another plastic part; and

Group II: Claims 9-13, 16-20, 23-27 and 30-34, drawn to a composite part.

Applicants have elected Group II, 9-13, 16-20, 23-27 and 30-34, with traverse.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required. (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctions. (M.P.E.P. § 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reasons and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has categorized the relationships between Groups I and II as process of making and product made. Patentable distinctness may be shown if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). The Examiner asserts that the claimed product can be made by casting.

The Examiner, however, does not meet the requirements of M.P.E.P. § 806.05(f), because the Examiner has not shown or provided any evidence that the claimed article can be made by casting. In particular, the Examiner has not shown how a “composite part produced by the method of claim 1,” as explicitly recited in claim 9, can be produced simply by “casting.” Therefore, the Examiner’s reasoning is merely a restatement of the Examiner’s

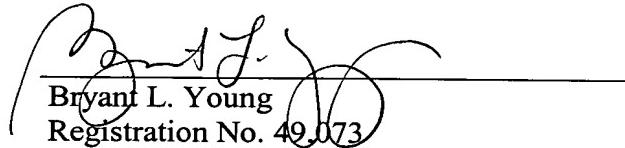
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conclusion that the two groups are patentably distinct. As the Examiner has provided insufficient reasons in support of this belief, the Examiner has not met the required burden.

Accordingly, for at least the reasons presented above, Applicants submit that the Examiner has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the requirement is respectfully requested.

Respectfully submitted,

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